

98 62 DEC 15 1998

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 12, ARTICLE III ("FIREWORKS"), DIVISION 1, OF THE PALM BEACH COUNTY CODE OF LAWS AND ORDINANCES; PROVIDING FOR ENFORCEMENT PURSUANT TO THE CODE ENFORCEMENT CITATION SYSTEM SET FORTH IN CHAPTER 8.5, ARTICLE II, PALM BEACH COUNTY CODE; CLARIFYING REQUIREMENTS REGARDING TEMPORARY RETAIL SALE OF SPARKLERS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, Chapter 8.5, Article II, Palm Beach County Code, sets forth a Code Enforcement Citation System as permitted by section 162.21, Florida Statutes; and

WHEREAS, the Code Enforcement Citation System set forth in Chapter 8.5, Article II, Palm Beach County Code, permits the assessment of civil penalties against persons violating codes and ordinances as specified in Schedule "A" of Chapter 8.5, Article II, Palm Beach County Code; and

WHEREAS, Chapter 12, Article III ("Fireworks"), Division 1, Palm Beach County Code (codifying Palm Beach County Ordinance 98-21), governs the sale and use of fireworks and sparklers;

WHEREAS, the Board of County Commissioners desires to amend Chapter 12, Article III ("Fireworks"), Division 1, Palm Beach County Code, to permit its provisions to be enforced pursuant to the Code Enforcement Citation System set forth in Chapter 8.5, Article II, Palm Beach County Code;

WHEREAS, the Board of County Commissioners desires to further amend Chapter 12, Article III ("Fireworks"), Division 1, Palm Beach County Code, to clarify certain requirements regarding the temporary retail sale of sparklers;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1. Chapter 12, Article III ("Fireworks"), Division 1, Section 12-38, Palm Beach County Code, is hereby amended to read:

Section 12-38. Penalties.

Any violation of this division shall subject an offender to arrest pursuant to Florida Statutes, § 901.15, and prosecution pursuant to Florida Statutes, § 125.69. The provisions of this division also may be enforced pursuant to the procedures and penalties of the Code Enforcement Citation System set forth in Chapter 8.5, Article II, Palm Beach County Code.

SECTION 2. Chapter 12, Article III ("Fireworks"), Division 1, Section 12-37, subsection (a), Palm Beach County Code, is hereby amended to read:

Section 12-37. Permits and regulations.

(a) *Permit.* Any person, firm, partnership or corporation engaging in the sale, distributing, or manufacturing of fireworks or sparklers must first apply for and secure a permit from the county fire marshal. The application for such

permit shall include proof that the applicant is registered with the division of the state fire marshal pursuant to Florida Statutes, Chapter 791. In addition, the temporary retail sale of sparklers requires an additional permit from the county planning, zoning and building department, the requirements for which are set forth in the Unified Land Development Code, and a satisfactory fire safety inspection from the Palm Beach County Fire-Rescue Department, the requirements for which are set forth in the Palm Beach County Fire Code.

SECTION 3. Repeal of Laws in Conflict: Any laws or ordinances in conflict with this Ordinance which Palm Beach County is authorized to repeal are hereby repealed to the extent of such conflict.

SECTION 4. Severability: If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

SECTION 5. Inclusion in the Code of Laws and Ordinances: The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION 6. Effective Date: The provisions of this Ordinance shall become effective upon filing with the Department of State.

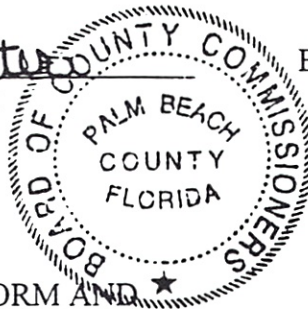
APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the 15th day of December, 1998.

DOROTHY H. WILKEN, CLERK
BOARD OF COUNTY COMMISSIONERS

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: Deborah Dietz
Deputy Clerk

By: Mande Ford Lee
Chair



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APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: Sharon Dunon
County Attorney

Filed with the Department of State on the 22nd day of December, 1998.

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STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 12/15/98
DATED at West Palm Beach, FL on 12/30/98
DOROTHY H. WILKEN, Clerk
By: Phyllis A. House D.C.